

Regular Session, 2010

HOUSE BILL NO. 1484 (Substitute for House Bill No. 503 by Representative Danahay)

BY REPRESENTATIVE DANAHAAY

ALCOHOLIC BEVERAGES: Provides relative to homebrew beer

1 AN ACT

2 To amend and reenact R.S. 26:90(A)(5) and 286(A)(5) and to enact R.S. 26:793(A)(5),
3 relative to homebrew beer; to provide for exceptions to the prohibitions for alcohol
4 of high and low alcoholic content for homebrew beer; to provide for a three-day
5 special event permit for a retail dealer to authorize homebrew on the licensed
6 permits; to provide for purposes for which homebrew beer is authorized; to provide
7 for limitations; to provide for definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 26:90(A)(5) and 286(A)(5) are hereby amended and reenacted and
10 R.S. 26:793(A)(5) is hereby enacted to read as follows:

11 §90. Acts prohibited on licensed premises; suspension or revocation of permits

12 A. No person holding a retail dealer's permit and no agent, associate,
13 employee, representative, or servant of any such person shall do or permit any of the
14 following acts to be done on or about the licensed premises:

15 * * *

16 (5) Sell, offer for sale, possess, or permit the consumption on or about the
17 licensed premises of any kind or type of alcoholic beverage, the sale or possession
18 of which is not authorized under his permit, except as provided for in R.S.
19 26:793(A)(5).

20 * * *

1 §286. Acts prohibited on licensed premises; suspension or revocation of permits

2 A. No person holding a retail dealer's permit and no servant, agent, or
3 employee of the permittee shall do any of the following acts upon the licensed
4 premises:

5 * * *

6 (5) Sell, offer for sale, possess, or permit the consumption on the licensed
7 premises of any kind or type of alcoholic beverages, the sale, or possession of which
8 is not authorized under his permit, except as provided for in R.S. 26:793(A)(5).

9 * * *

10 §793. Additional powers of the commissioner

11 A.

12 * * *

13 (5)(a) Notwithstanding any other provision of law to the contrary, the
14 commissioner shall issue a three-day special event permit to any retail dealer
15 qualified for on premise consumption who applies for such permit at no fee
16 authorizing the retail dealer to allow a person to bring homebrew alcoholic beverages
17 on his licensed premises for the purpose of possessing, consuming, and serving such
18 homebrew on his licensed premises in connection with homebrew club meetings,
19 organized affairs, exhibitions, or competitions such as homebrewer's contests,
20 tastings, or judging in accordance with all of the following criteria:

21 (i) Homebrew shall not be sold or offered for sale.

22 (ii) Homebrew shall only be served to those individuals attending the special
23 event.

24 (iii) All homebrew alcoholic beverages shall be removed from the licensed
25 premises within a reasonable time upon conclusion of the special event.

26 (b) For purposes of this Paragraph, "homebrew" shall mean the brewing of
27 beer, mead, and other alcoholic beverages through fermentation on a small scale as
28 a hobby for personal consumption, free distribution at residential social gatherings,

1 and amateur brewing competitions or other noncommercial reasons as provided for
2 in Paragraph (A)(1) of this Section regarding special event licenses.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Danahay

HB No. 1484

Abstract: Provides that the three-day special event permit applies to a retail dealer to authorize a person other than the licensee to bring homebrew alcoholic beverages on the licensed premises for certain purposes under specified conditions.

Proposed law requires the commissioner to issue a three-day special event permit to any retail dealer qualified for on premise consumption who applies for such permit for no fee authorizing the retail dealer to allow a person to bring homebrew alcoholic beverages on his licensed premises for the purpose of possessing, consuming, and serving such homebrew on his licensed premises in connection with homebrew club meetings, organized affairs, exhibitions, or competitions such as homebrewer's contests, tastings, or judging.

Proposed law requires all of the following criteria to be met:

- (1) Homebrew shall not be sold or offered for sale.
- (2) Homebrew shall only be served to those individuals attending the special event.
- (3) All homebrew alcoholic beverages shall be removed from the licensed premises within a reasonable time upon conclusion of the special event.

Proposed law defines "homebrew" as the brewing of beer, mead, and other alcoholic beverages through fermentation on a small scale as a hobby for personal consumption, free distribution at residential social gatherings, and amateur brewing competitions or other noncommercial reasons authorized by present law regarding three-day special event permits.

(Amends R.S. 26:90(A)(5) and 286(A)(5); Adds R.S. 26:793(A)(5))